

*A091 (Rev. 8/01) Criminal Complaint

MAR 9 2015

David J. Bradley, Clerk of Court

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA
V.
Juan Arnulfo MENDEZ

CRIMINAL COMPLAINT

Case Number:

C-15-273M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 3/8/2015 in Brooks County, in the

Southern District of Texas defendant(s), **Juan Arnulfo MENDEZ**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent

David Smith

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

David Smith
Signature of Complainant

David Smith
Printed Name of Complainant

Sworn to before me and probable cause found on:

March 9, 2015
Date
B. Janice Ellington, U.S. Magistrate Judge
Name and Title of Judicial Officer

at Corpus Christi, Texas
City and State
B. Janice Ellington
Signature of Judicial Officer

Affidavit

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

On March 8, 2015, Border Patrol Agent William Davis was assigned traffic check duties at the U.S. Border Patrol Checkpoint, which is located 13 miles south of Falfurrias, Texas. At approximately 8:00 a.m., a U-Haul GMC Sierra displaying Arizona License Plates AG44334 approached the primary inspection lane for an immigration inspection of the occupants.

As the vehicle approached, Davis noticed one occupant in the vehicle. Agent Davis greeted the driver, later identified as Juan MENDEZ, and asked how he was doing today and he responded in a whisper that he was "ok". Agent Davis asked him where he was heading and he said he was taking a washing machine to his ex-wife. The agent noticed that the only item he was transporting was a washing machine that appeared in bad shape. When questioned more about the washing machine, he said that it was broken and that he had already bought a new one.

At this time, Agent Davis was satisfied as to the MENDEZ's immigration status of being a United States Citizen due to his mannerisms, but became suspicious why he was traveling a long distance to haul just a broken washing machine. Davis asked him why he was moving a broken washing machine if he had already bought a new one and MENDEZ did not have a response. Due to his lack of response to this question and logical reason for hauling around a broken washing machine, Agent Davis asked MENDEZ for consent to take an x-ray of the vehicle and he said, "Yes". Davis then advised him where to park and notified Border Patrol Agent Vicente Salinas of the vehicle waiting for x-ray.

Once in the Backscatter Area, Agent Salinas had MENDEZ exit the vehicle and proceeded to take an x-ray of the vehicle. The x-ray revealed anomalies that Agent Salinas determined to be a person hidden inside the tool box of the U-Haul. The tool box was opened to find one person, later identified as Jose Manuel MARTINEZ-Moreno, hiding inside. The person was questioned and determined to be a citizen of Mexico illegally present in the United States. MENDEZ was placed under arrest for alien smuggling and escorted inside the checkpoint for further processing.

Once inside the checkpoint, Agent Davis read MENDEZ his rights as per Service Form I-214 in his preferred language, English with Agent M. Salvino as a witness. MENDEZ signed the form I-214 at 8:25 a.m. to indicate that he understood his rights and was willing to answer questions without a lawyer present.

MENDEZ stated that he and MARTINEZ were friends and that MARTINEZ had contacted him for transportation to Houston, Texas. MENDEZ stated that the whole story about taking the washing machine to his ex-wife was a lie and that the washing machine belonged to MARTINEZ. He stated that picked up the U-Haul truck in Austin, Texas, and traveled to McAllen, Texas, to pick up MARTINEZ. Once he arrived at MARTINEZ's house, they loaded the washing machine to make the story believable. MARTINEZ then got in the tool box and MENDEZ traveled north to the checkpoint where he was stopped and arrested.

After making this statement about helping to smuggle a friend, MENDEZ admitted to smuggling an unknown individual for cash the day before. MENDEZ was questioned regarding the U-Haul

GMC Sierra displaying Arizona License Plates AG44334 crossing through the Falfurrias Checkpoint on March 07, 2015. He admitted to smuggling one undocumented alien in the same vehicle the day before, on March 07, 2015. MENDEZ claimed that he transported and dropped off the alien at a Valero gas station in Victoria, Texas. He further admitted that he was initially going to be paid \$1,500, but then was told that after he smuggled MARTINEZ he would be paid \$3,000 all together for both smuggling events.

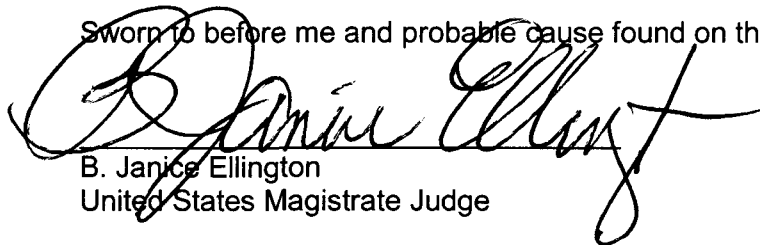
He also admitted that he was not going to Houston, Texas, but to Victoria, Texas, to drop off MARTINEZ at the same location as the previous smuggled alien. MENDEZ described the man that he successfully smuggled a Mexican male in his mid-30s or early 40s. MENDEZ claimed that he does not know the smuggler's name and only knows his as "Chico". MENDEZ stated that "Chico" was going to pay him after today's smuggling event.

MARTINEZ's statements initially matched the statements made by MENDEZ about them being friends, but then changed his statement. He admitted that he got in contact with a friend, identified as Jose ESPARZA, who then smugglers and arranged the transportation. MARTINEZ stated that ESPARZA paid \$2,000 up front and was going to pay another \$2,000 once he arrived in Houston, Texas. When questioned why his friend would pay that much money for him, he said that he was going to pay it back when he could. MARTINEZ stated that he had never met MENDEZ before this event. He added that MENDEZ helped him get into the tool box. Agents asked him if he was sure that MENDEZ helped him get into the tool box and he said, "Yes". MARTINEZ then identified MENDEZ as the driver in a photographic lineup. MARTINEZ also explained that MENDEZ showed him how to open the toolbox from the inside if he needed to open it.

Assistant U.S. Attorney Robert Thorpe was contacted regarding Juan Amulfo MENDEZ and accepted prosecution of this case for violation of Title 8 USC 1324 (Alien Smuggling). Jose Manuel MARTINEZ-Moreno was held as material witness in this case.


David Smith
Border Patrol Agent

Sworn to before me and probable cause found on this date, the 9th of March, 2015:


B. Janice Ellington
United States Magistrate Judge